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Nanya Technology Corp. and

Nanya Technology Corp. U.S.A.

DISTRICT COURT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.

Plaintiffs,

vs.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA,
INC.

Defendants.

No. CV-06-00025

**AGREEMENT OF HEARING DATE
ON DEFENDANTS' MOTION TO
IMMEDIATELY TRANSFER FOR
CONVENIENCE**

Pursuant to Local Rule 7.1, Plaintiffs hereby file their Agreement of Hearing Date and requests the Court to set hearing on Defendants' Motion to Immediately Transfer for Convenience on July 12, 2007 at 10:30 a.m.

The Plaintiffs do not agree to conducting a hearing to coincide with the pending Motions to Dismiss as a Stipulation was entered regarding those motions on February 20, 2007, and it

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1 will materially prejudice the Plaintiffs' in their briefing schedule already agreed to. Plaintiffs
2 have already been struggling with respect to the briefing of those Motions as outlined in the
3 Motion to Compel filed by Plaintiffs' on April 13, 2007.

4 Plaintiffs object to Defendants' Non-Agreement of Hearing Date for Defendants' Motion
5 to Immediately Transfer for Convenience filed on April 17, 2007, Docket No. 193, for the
6 following reasons:

7
8 1. First, in Defendants' opening paragraph, they allege that pursuant to Local Rule
9 7.1, the parties hereby acknowledge the following: *see* Non-Agreement of Hearing Date, page 1,
10 line 1. Unfortunately, the parties cannot acknowledge anything because Defendants failed,
11 under Local Rule 7.1, to contact Plaintiffs' counsel with respect to this hearing date and,
12 therefore, their representation that the parties acknowledge the following is inaccurate and lacks
13 veracity.
14

15 2. Defendants have violated Local Rule 7.1(e)(2) directing the "requesting party to
16 contact the attorney for each party who has entered an appearance,...and propose a date for oral
17 argument.") Defendants admit in paragraph 7 of their Non-Agreement of Hearing Date that they
18 failed to contact Plaintiffs' counsel regarding the hearing date provided by the Clerk's office and
19 suggest an alternative date which circumvents the Local Rule.
20

21 3. Regardless of Defendants' belief that the Local Rules of Court do not apply to
22 them or their motions, Plaintiffs, in accordance with the Local Rule, now files their Agreement
23 of Hearing Date and informs the Court that they agree to the hearing date of July 12, 2007 at
24 10:30 a.m. In fact, in accordance with the Rule, Plaintiffs have confirmed that the date is still
25 available for hearing.

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Respectfully submitted this 20th day of April, 2007.

By Joseph C. Razzano
JOSEPH C. RAZZANO, ESQ.
Attorneys for Plaintiffs

By: Sampho